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(Original Signature of Member)

109TH CONGRESS
2^D SESSION

H. R. _____

To amend title 44, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information.

IN THE HOUSE OF REPRESENTATIVES

Mr. TOM DAVIS of Virginia introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 44, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Agency Data
5 Breach Protection Act”.

1 **SEC. 2. FEDERAL AGENCY DATA BREACH NOTIFICATION**
2 **REQUIREMENTS.**

3 (a) AUTHORITY OF DIRECTOR OF OFFICE OF MAN-
4 AGEMENT AND BUDGET TO ESTABLISH DATA BREACH
5 POLICIES.—Section 3543(a) of title 44, United States
6 Code, is amended—

7 (1) by striking “and” at the end of paragraph
8 (7);

9 (2) by striking the period and inserting “; and”
10 at the end of paragraph (8); and

11 (3) by adding at the end the following:

12 “(9) establishing policies, procedures, and
13 standards for agencies to follow in the event of a
14 breach of data security involving the disclosure of
15 sensitive personal information and for which harm to
16 an individual could reasonably be expected to result,
17 specifically including—

18 “(A) a requirement for timely notice to be
19 provided to those individuals whose sensitive
20 personal information could be compromised as a
21 result of such breach, except no notice shall be
22 required if the breach does not create a reason-
23 able risk of identity theft, fraud, or other un-
24 lawful conduct regarding such individual;

25 “(B) guidance on determining how timely
26 notice is to be provided; and

1 “(C) guidance regarding whether addi-
2 tional special actions are necessary and appro-
3 priate, including data breach analysis, fraud
4 resolution services, identity theft insurance, and
5 credit protection or monitoring services.”.

6 (b) AUTHORITY OF CHIEF INFORMATION OFFICER
7 TO ENFORCE DATA BREACH POLICIES AND DEVELOP
8 AND MAINTAIN INVENTORIES.—Section 3544(a)(3) of
9 title 44, United States Code, is amended—

10 (1) by inserting after “authority to ensure com-
11 pliance with” the following: “and, to the extent de-
12 termined necessary and explicitly authorized by the
13 head of the agency, to enforce”;

14 (2) by striking “and” at the end of subpara-
15 graph (D);

16 (3) by inserting “and” at the end of subpara-
17 graph (E); and

18 (4) by adding at the end the following:

19 “(F) developing and maintaining an inven-
20 tory of all personal computers, laptops, or any
21 other hardware containing sensitive personal in-
22 formation;”.

23 (c) INCLUSION OF DATA BREACH NOTIFICATION IN
24 AGENCY INFORMATION SECURITY PROGRAMS.—Section
25 3544(b) of title 44, United States Code, is amended—

1 (1) by striking “and” at the end of paragraph
2 (7);

3 (2) by striking the period and inserting “; and”
4 at the end of paragraph (8); and

5 (3) by adding at the end the following:

6 “(9) procedures for notifying individuals whose
7 sensitive personal information is compromised con-
8 sistent with policies, procedures, and standards es-
9 tablished under section 3543(a)(9) of this title.”.

10 (d) AUTHORITY OF AGENCY CHIEF HUMAN CAPITAL
11 OFFICERS TO ASSESS FEDERAL PERSONAL PROPERTY.—
12 Section 1402(a) of title 5, United States Code, is amend-
13 ed—

14 (1) by striking “, and” at the end of paragraph
15 (5) and inserting a semicolon;

16 (2) by striking the period and inserting “; and”
17 at the end of paragraph (6); and

18 (3) by adding at the end the following:

19 “(7) prescribing policies and procedures for exit
20 interviews of employees, including a full accounting
21 of all Federal personal property that was assigned to
22 the employee during the course of employment.”.

23 (e) SENSITIVE PERSONAL INFORMATION DEFINI-
24 TION.—Section 3542(b) of title 44, United States Code,

1 is amended by adding at the end the following new para-
2 graph:

3 “(4) The term ‘sensitive personal information’,
4 with respect to an individual, means any information
5 about the individual maintained by an agency, in-
6 cluding—

7 “(A) education, financial transactions,
8 medical history, and criminal or employment
9 history;

10 “(B) information that can be used to dis-
11 tinguish or trace the individual’s identity, in-
12 cluding name, social security number, date and
13 place of birth, mother’s maiden name, or bio-
14 metric records; or

15 “(C) any other personal information that
16 is linked or linkable to the individual.”.